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TECHNICAL COOPERATION

Technical cooperation and advisory services of the United Nations crime prevention and criminal justice programme, including appropriate mechanisms for the mobilization of resources

Report of the Secretary-General

Summary

The present report provides an overview of technical cooperation and advisory services delivered by the Crime Prevention and Criminal Justice Branch, the Interregional Adviser for Crime Prevention and Criminal Justice based at Vienna and the Regional Adviser for Crime Prevention and Criminal Justice based at the Economic and Social Commission for Asia and the Pacific. After a presentation of those activities, the report considers the issue of funding technical assistance and reviews the outcome of consultations on the creation of appropriate mechanisms for the mobilization of resources. A summary of selected projects for technical assistance is given in annex I.

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INTRODUCTION

1. The Economic and Social Council, in its resolution 1992/22 of 30 July 1992, made technical assistance a standing item on the agenda of the Commission on Crime Prevention and Criminal Justice. As recommended by the Commission at its second session, the Council, in its resolution 1993/34 of 27 July 1993, reaffirmed the need for increased technical cooperation activities in order to provide appropriate assistance to Member States whose capacity to deal with crime-related issues was insufficient. The Council also requested the Secretary-General to report to the Commission at its third session on technical cooperation and advisory services of the United Nations crime prevention and criminal justice programme, including appropriate mechanisms for the mobilization of resources.

2. The Ministerial Meeting on the Creation of an Effective United Nations Crime Prevention and Criminal Justice Programme, held at Versailles from 21 to 23 November 1991, stressed the importance of technical assistance. The General Assembly, in its resolution 46/152 of 18 December 1991, took up the urgent requests of the Ministerial Meeting, and stressed the need for the United Nations to carry out technical assistance activities and to act as a coordinating or facilitating agent. The Ministerial Meeting also considered the creation of a mechanism for the mobilization of resources to fund those activities. Council resolution 1992/22, adopted on the recommendation of the Commission at its first session, followed the same line, and gave the Secretariat the mandate to facilitate the coordination and planning of operational activities. The subsequent modifications of the medium-term plan for the period 1992-1997, as approved by the Council and the General Assembly, included the creation of a new subprogramme on operational activities, planning and overall coordination, devoted to creating the institutional capacity to carry out the global mandate.

3. In its resolution 1992/22, the Council also requested the Secretary-General, in his report on the operationalization of the programme, presented to the Commission at its second session (E/CN.15/1993/5), to draw up a possible framework of activities to be implemented in the field of training, advisory services, emergency assistance and action-oriented research. In its resolution 1993/34, the Council welcomed the efforts undertaken by the Secretariat to carry out operational activities, notably the setting-up of projects to be implemented in developing countries and countries in transition, as well as contributing to the work of peace-keeping operations. The Council further requested the Secretary-General to continue elaborating training curricula that could be implemented in Member States upon request, as well as basic courses on United Nations norms and guidelines in the field of crime prevention and criminal justice which can be used, as necessary, for training peace-keeping and emergency mission personnel and their national counterparts.

4. The Council requested the Secretary-General, in the same resolution, to strengthen the institutional capacity of the programme by providing the Secretariat with adequate human and financial resources, if necessary by reallocating existing resources, as well as by means of voluntary contributions, to enable it to elaborate, execute and evaluate operational activities and advisory services upon request by Member States.

5. The present report covers operational activities and advisory services initiated or carried out between December 1992 and November 1993 by the Crime Prevention and Criminal Justice Branch, the Interregional Adviser for Crime Prevention and Criminal Justice based at Vienna and the Regional Adviser for Crime Prevention and Criminal Justice for Asia and the Pacific, based at the Economic and Social Commission for Asia and the Pacific (ESCAP). In accordance with the mandates of the General Assembly and the Council, those activities were initiated in order to put into practice, as far as financial resources allowed, the proposed technical assistance activities as presented to the Commission at its second session (see E/CN.15/1993/5).

6. The report presents a summary of the requests for assistance received, the main activities undertaken to answer them, and present funding issues. Four selected technical assistance projects are summarized in annex I. Technical cooperation activities carried out by the United Nations Interregional Crime and Justice Research Institute (UNICRI) and the network of affiliated and associated institutes are dealt with in a separate report (see E/CN.15/1994/10).

I. CONCLUSIONS

7. The Committee on Crime Prevention and Control, at its eleventh session, presented a report to the Council on the need for the creation of an effective international crime and justice programme (E/1990/31/Add.1). That report played an important role in the restructuring of the crime prevention and criminal justice programme, as it stressed the inadequacy of the programme as it previously existed and made important recommendations for new structures and mechanisms. In paragraph 51 of the report, the Committee stated that: "Over and over, countries that have recognized their need for outside assistance in meeting problems of crime have requested urgent assistance from the United Nations. Often, they have obtained only heartfelt expressions of sympathy and formal regrets. Other countries have wanted to request United Nations help in developing particular programmes to assist them in combating crime, but have faced the reality that the United Nations is not equipped, in terms of personnel, structure or budget supplied by Member States to undertake such assistance projects."

8. In spite of the restructuring process of the crime prevention and criminal justice programme, and the emphasis placed by the General Assembly and the Council on operational activities, it must be admitted that the same wording could be used to describe the present situation of the programme. Even if steps have been undertaken to "declare" the programme more operational, most technical assistance efforts, apart from those provided in cooperation with other agencies, have so far remained at the stage of project formulation, since funds and contributions have been insufficient to start the implementation phase. The projects presented in annex I of the present report are examples of specific technical assistance activities to which Member States are invited to contribute. Activities in other fields and other regions are currently being worked out by the Branch. Much remains to be done, particularly in the field of crime prevention. However, the exercise will be meaningful only if the basic commitment from the international community to give effectiveness to the programme is clearly expressed, not only in resolutions but also in tangible support.

9. In view of the above, the Commission may wish to consider the following points and make recommendations on them:

(a) Clearing-house functions should be further developed, as they have proved useful and efficient in the implementation of training activities;

(b) Training activities organized by several non-governmental organizations and other United Nations entities have greatly contributed to the promotion of United Nations norms and standards in the field of crime prevention and criminal justice. However, the Branch should be in a position to organize training activities through the means to be made available to it, so as to enable priority themes defined by the Commission and specific mandates to be fully integrated into the operational activities of the programme;

(c) Project documents, such as those prepared by the Branch, are a prerequisite for comprehensive training programmes, especially those aimed at reforming or creating new criminal justice systems. Member States may wish to consider taking action on those projects;

(d) Adequate human and financial resources are required to support technical assistance projects in specific fields considered to be of high priority, such as transnational crime, money-laundering, prevention of urban crime, following the methodology presented in the proposed guidelines for the prevention of urban crime contained in the annex to Council resolution 1993/27 of 27 July 1993, or environmental crime. In the latter case, the Council, in its resolution 1993/28 of 27 July 1993, called for the provision of technical assistance to requesting Member States in the field of environmental crime, for example, in reviewing criminal justice policies and legislation in respect of the environment, drafting and implementing the relevant laws, and in providing training to criminal justice officials on investigative techniques relevant to environmental offences;

(e) In-kind contributions from Member States have been of considerable help in implementing projects. However, a basic level of extrabudgetary funds should be made available in order to allow, as a first step, needs assessment and project formulation missions, and, as a second step, implementation of the projects in cooperation with interested governments. The Commission may wish to urge Member States to respond to that requirement, so as to fully operationalize the programme;

(f) The Branch has been involved in several United Nations peace-keeping missions, as requested in Council resolution 1993/34. Its contribution to the follow-up to those missions is important, particularly with respect to the strengthening of the rule of law and building-up a new criminal justice system;

(g) The interregional advisory services are crucial for the development of technical assistance activities. However, recommendations contained in country reports should be given appropriate follow-up by Governments requesting assistance, as well as by the Secretariat, in terms of specific project formulation, and by donors in terms of funding of project execution;

(h) Crime prevention policies are essential to ensure sustainable development, as crime affects at the same time economic, social and environmental efforts. The Commission may wish to stress that developing countries should present crime prevention projects as part of their priority areas for development, and that the United Nations Development Programme (UNDP) and other funding agencies should contribute to such projects. Crime prevention should also be retained as a priority area for UNDP activities;

(i) The creation of an appropriate mechanism to further technical cooperation may require further consideration, in view of the reactions by Member States to the document submitted by the Government of France (see paras. 66-69).

II. TECHNICAL ASSISTANCE

10. Technical assistance activities carried out since the second session of the Commission included activities previously initiated, particularly those started in response to the new mandates for increased operational activities. In addition, new activities were initiated in response to more recent requests. However, because of the limited regular and extrabudgetary funds, the work of the Branch was largely confined to contributing to technical assistance projects financed and carried out by other entities inside and outside the United Nations system, to facilitating bilateral assistance to requesting countries, or to preparing project documents for funding by Member States or funding agencies.

11. The Branch carried out technical cooperation activities mainly in the following areas: facilitating exchange of information (e.g. clearing-house functions); contributing to training activities organized by other entities, such as intergovernmental or non-governmental organizations; organizing training on

specific issues, upon request of a Member State or an organization; preparing training materials; preparing comprehensive technical assistance projects; and contributing to broader operational activities implemented by the United Nations, such as peace-keeping and peace-building operations.

A. Facilitating the exchange of information

12. Information exchange constituted an important element of the operational activities of the programme. That subject is dealt with in the report on progress made in the collection and dissemination of crime-related data and in the improvement of computerization in criminal justice management (E/CN.15/1994/3).

13. Beyond those activities, the Branch is expected to provide all kinds of clearing-house functions. That includes suggestions on possible participants in and experts for training seminars, as well as facilitating the provision of documentation on various issues and in different languages. The request of the Odessa Police Academy (Ukraine) for documentation and training materials provides an example of such a request. In addition to supplementing the documents available within the Branch, contacts were facilitated with specialized agencies and relevant non-governmental organizations, such as the International Association of Airport and Seaport Police.

B. Contributing to training activities organized by other entities

14. Several United Nations entities and other organizations included United Nations standards and norms in the field of crime prevention and criminal justice in their training curricula, and opened their training teams to experts from the United Nations Secretariat. That resulted in a strong involvement of the Branch in such activities, made possible by the generous contributions of several organizations, which funded the travel and allowances of members of the Branch. As those activities are of no direct cost to the programme (other than staff time), they have, since the creation of the Commission and the operationalization of the programme, proven to be the most frequent way in which the Branch can provide technical assistance.

15. At the invitation of both intergovernmental and non-governmental organizations, the Branch has recently taken part in eight training seminars, all of them oriented towards the implementation of United Nations norms and standards and respect for human rights in criminal justice systems. During 1993, the Branch has most closely cooperated with the Raoul Wallenberg Institute for Human Rights and Humanitarian Law, a non-governmental organization based at Lund, Sweden. By funding the participation of a United Nations' staff member as part of the training team, the Institute has made possible the involvement of the Branch in the following activities: two training courses on the administration of criminal justice and human rights, held at Ondangwa and Etosha, Namibia, in April and September 1993; a seminar for senior prison administrators at Kampala in September 1993; a seminar for law enforcement officials at Pretoria in September 1993; and a seminar for law enforcement officers, prison personnel and military and government officials at Mazvikadei, Zimbabwe, in November 1993. Follow-up courses and similar seminars in other countries are envisaged for 1994.

16. The close cooperation existing between the United Nations Centre for Human Rights and the Branch led to the participation of a member of the Branch in two seminars held at Bucharest for professors of police academies (from 1 to 5 March 1993) and on human rights in the administration of justice (from 30 November to 3 December 1993). The latter was organized by the Centre for Human Rights and the Rumanian Institute for Human Rights, and funded by the Centre.

17. The non-governmental organization Penal Reform International also invited the Branch to participate in a seminar on improving international standards in the Romanian penal system, held in Romania

from 22 to 25 November 1993. The seminar, together with the one organized a week later by the Centre for Human Rights, enabled the Branch to advise on law enforcement and criminal justice reform in Romania with the authorities of the Government of Romania and the UNDP Resident Coordinator at Bucharest. Further information on the seminars is included in the report on implementation of standards and norms in the field of crime prevention and criminal justice (E/CN.15/1994/7).

18. Such activities constituted a unique opportunity for promoting existing international instruments and their implementation in the work of criminal justice practitioners in countries in need. Through those initiatives, and on the basis of United Nations norms and standards, a significant contribution may be made to strengthening the rule of law. In view of the importance of such work, the crime prevention and criminal justice programme should be in a position to provide systematic training activities. Indeed, in view of the urgency of the needs, the international community faces the issue of creating a proper United Nations capacity in that field.

C. Answering requests for training

19. The Branch received a number of requests for training activities in specific fields, such as juvenile justice, crime prevention strategies, the prevention and control of organized crime, fraud, car theft and trafficking in illegal goods. Those requests were dealt with in different ways, as illustrated by the following examples.

20. Training should take into account local specificities, national structures and existing achievements in order to properly address the needs of requesting countries. Such information should be integrated into the training programmes. In response to a request from African Portuguese-speaking countries for training in the field of juvenile justice, treatment of offenders and crime prevention strategies, information was gathered through contacts with national delegations at the intergovernmental meetings of the Programme, with the assistance of the Ministry of Justice of Portugal, a representative of which worked in close collaboration with the Branch. On that basis, a project proposal was prepared, including a calendar of activities and a cost estimate. A summary of the project is given in annex I to the present report; the complete project proposal is available upon request to the Secretariat. In addition to providing training activities as such, the long-term goal of the project is to foster South-South cooperation in the social and judicial fields, with a view to installing mechanisms for increased exchange of information and experience among Member States from the same continent, using a common language. The project, for which additional funds are being sought, would be implemented in collaboration with the Ministry of Justice of Portugal, as well as with the Raoul Wallenberg Institute and the Centre for Human Rights; both the Institute and the Centre have expressed their commitment to contributing to the project.

21. The Branch also prepared a project proposal for assistance in the implementation of the Convention on Mutual Assistance in Criminal Matters, adopted by the Economic Community of West African States (ECOWAS). The Branch had previously assisted the Executive Secretariat of ECOWAS in the elaboration of the Convention, which was based on the Model Treaty on Mutual Assistance in Criminal Matters adopted by the General Assembly in its resolution 45/117 of 14 December 1990. The Convention was adopted by the ECOWAS Heads of States and Governments at their annual summit, held at Dakar in 1992. The draft Convention had been previously discussed by an ad hoc expert group meeting and a meeting of ECOWAS ministers of justice, which, in addition to the negotiation of the text, provided opportunities for sharing experiences and exchanging information at the regional level. As a follow-up, additional mandates were given to the Executive Secretariat of ECOWAS in the legal and judicial field, notably with respect to extradition. The Branch also provided expertise to ECOWAS in the preparation of an additional convention on extradition.

22. As ECOWAS brings together English-, French- and Portuguese-speaking countries, both common law and continental law systems are present in West Africa. In the area of criminal justice, the necessary mechanisms for cooperation and coordination between the different legal systems are still insufficient or lacking. Training activities for increased regional cooperation should make it possible for criminal justice professionals to become familiar with legal systems other than their own and to cooperate more closely. The outline of the project contained in annex I presents details on the objectives, rationale and cost evaluation of the proposed activities. The Government of Canada has already contributed to the project, by preparing a draft implementation guide to the Convention, for the use of practitioners both in daily practice and as a training tool. Comments on the guide are currently being sought from experts in a variety of jurisdictions, prior to its finalization.

D. Preparation of training materials

23. In response to both individual requests from Member States and the mandates of the Commission, the Branch initiated work on or contributed to the preparation of training manuals, guidebooks and other material, such as the guidebook on the implementation of United Nations model treaties in criminal matters, the handbook on United Nations standards and norms on human rights for law enforcement officials, the Commentary on the United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules) (ST/CSDHA/22), a manual on juvenile justice standards, a manual on international standards related to pre-trial detention, a manual on life imprisonment and a manual on prison education. To a large extent those training materials are prepared with the active support of other United Nations entities, intergovernmental and non-governmental organizations and other institutions (for details see documents E/CN.15/1994/7 and E/CN.15/1994/9).

24. Further to the preparation of such material, the Branch held an ad hoc expert group meeting on the model treaties on criminal matters at Vienna from 18 to 21 October 1993. The meeting recommended, inter alia, that the Branch should further develop training materials concerning the model treaties, including manuals providing guidance on those treaties, as well as the preparation of general guidelines for national legislation to implement them. The meeting emphasized the importance of the Branch continuing to provide advisory and technical cooperation services to Member States requesting assistance concerning the use and application of the model treaties, especially practical assistance with drafting implementing legislation.

25. Guides to three of the model treaties adopted by the General Assembly in 1990 following the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders are currently under preparation. The Department of Justice of Canada is preparing a draft guide to the Model Treaty on Mutual Assistance in Criminal Matters, the Department of the Attorney-General of Australia is preparing a draft guide to the Model Treaty on Extradition, and the United States Department of Justice is preparing, in cooperation with the Ministry of Foreign Affairs of Mexico, a guide to the Model Treaty on the Transfer of Proceedings in Criminal Matters. The products will be made available to requesting Member States to provide guidance on the intention behind the model treaties, their practical suggestions for their application and suggestions for incorporating their requirements into national legislation. They can also be used in training seminars on the model treaties. Finalization of the guides will depend on the availability of extrabudgetary funds for translation and publication.

E. Environmental crime

26. In its resolution 1993/28 of 27 July 1993, the Council, on the recommendation of the Commission at its second session, requested the Secretary-General to consider the possibility of undertaking activities in the field of environmental crime, in particular to include environmental crime as an issue for technical cooperation. For that purpose, the Council requested the Secretary-General to establish, with input from

Member States, a roster of experts from all regions in the field of environmental crime. It requested UNICRI and the regional and associated institutes to assist the Secretary-General in that endeavour by sharing their expertise. The Council also called upon Member States and the bodies concerned to provide requesting Member States with technical cooperation in the field of environmental crime.

27. Pursuant to Council resolution 1993/28, the Branch has established a roster of experts, currently containing some 20 names and addresses of experts from different regions. A note verbale has also been sent to all Member States through their permanent missions to the United Nations inviting further nominations.

28. The Branch held an ad hoc expert group meeting on more effective forms of international cooperation against transnational crime, including environmental crime, at Vienna from 7 to 10 December 1993. The meeting considered, inter alia, the possibility of incorporating environmental crime into technical cooperation activities.

29. The meeting recommended that international cooperation in the enforcement of environmental laws should be fostered by the provision of technical assistance bilaterally, multilaterally and through relevant international agencies, such as the Commission, the network of institutes involved in the United Nations crime prevention and criminal justice programme and similar regional institutes. It also recommended that further research in that area, including the nature and extent of polluting activities, sanctioning strategies and the appropriate mix of measures in particular situations, should be encouraged.

30. It was suggested during the meeting that the Branch could do further work to research and define other forms of bilateral and multilateral cooperation concerning the law on environmental crime, and make the results available to interested Member States.

31. UNICRI made available to the meeting its recent joint publication with the Australian Institute of Criminology (AIC), Environmental Crime, Sanctioning Strategies and Sustainable Development (November 1993). That publication contained a number of examples of possible areas for technical cooperation. They included training in criminal investigation techniques relevant to environmental offences for regulatory agency personnel, as well as police and prosecution agencies. The raising of awareness of the judiciary was also considered important, especially where the courts hearing environmental cases are non-specialist or not familiar with environmental matters. The results of such research could be shared with interested Member States. Consideration should be given to the specific needs of developing countries in their efforts to control pollution.

32. A further possibility for technical cooperation could be the preparation of a policy development guide, subject to the availability of extrabudgetary assistance, outlining policy options, issues and legislative approaches. That could be made available to Member States wishing to review their environmental protection policies and practices, and followed up by advisory services specifically targeted at areas of concern such as the preparation of legislation, drawing on expertise available through the roster of experts.

F. Elaborating comprehensive technical assistance projects

33. The interrelations between all components of the criminal justice system have led some Member States to initiate comprehensive law reforms in the criminal justice field. The effectiveness and credibility of the crime prevention and criminal justice programme depend on its capacity to deliver assistance in such activities, particularly in the context of the democratization of a country. Over the past two years, the Branch has already gained considerable experience in that field.

34. The Interregional Adviser for Crime Prevention and Criminal Justice led a needs assessment mission to Albania in June 1992, following a request by the Deputy Prime Minister and Minister of Public Order of Albania at the first session of the Commission. The Commission at its second session was informed of the outcome of that mission, which included experts from the Governments of France and Italy, whose participation was funded by their Governments, and from the International Drug Control Programme (UNDCP). The mission provided recommendations for action on the reform of the whole criminal justice system. Consequently, UNDP provided funds for the implementation of some of the recommendations contained in the report. The Branch cooperated with UNDP in evaluating the outline of the project and providing substantial comments on the way to implement it. The support of Member States is urgently required for the implementation of the recommendations of the mission.

35. The programme has also been involved in the judicial reform currently being implemented in the Russian Federation. At the initial stage, the Branch offered comments and advice on the draft legislation on the judicial reform. A second step was to organize a needs assessment mission in order to set up a well-targeted project proposal. The mission took place in cooperation with the European Institute for Crime Prevention and Criminal Justice, affiliated with the United Nations, and thanks to the contributions of the Governments of Canada, France and Italy, which funded the participation of national experts. As a follow-up to the mission, a project proposal including financial estimates was prepared for funding by donor countries. A summary of the project is provided in annex I to the present report; the complete project proposal is available upon request to the secretariat.

36. The project is a pilot project. It includes different stages following a precise methodology, and should be tested in a certain number of regions before being evaluated and expanded to the rest of the Russian Federation. After an intensive phase of training, the main stage will consist in providing advisory services, equipment and coordination, to facilitate the implementation of the new legal provisions. The second phase should be followed up by an evaluation of the project process in the given geographical areas, before refining or amending legislation and considering extending it to the rest of the country. Its preparation, as well as the first steps towards its implementation, have been conceptualized by a group of experts representing different legal systems and criminal justice traditions. Such a methodology could usefully be applied to other large-scale projects.

37. However, the contributions received by December 1993 do not allow project implementation to advance much further, nor may any meaningful conclusions be drawn from the limited extent of the project at such an early stage. The positive reactions of the Governments of Austria and France to the project proposals provide some hope for a useful outcome. The Government of Austria, in the context of the project, organized a study visit of 20 judges of the Russian Federation to Austria in June 1993. The Government of France announced its readiness to fund the mission costs of a group of judges to begin with the training activities, and invited judges of the Russian Federation for a study tour in France. The Government of Finland offered to provide expert assistance in the use of computerized systems in courts and to acquaint the judges of the Russian Federation in ongoing reform. Those important initiatives should be multiplied on a much larger scale if significant assistance is to be provided to the requesting country.

38. The crime prevention and criminal justice programme could also assist in setting up comprehensive programmes for the prevention of urban crime. The Council, in its resolution 1993/27 of 27 July 1993, took note of the proposed guidelines for the prevention of urban crime, and encouraged cooperation and technical assistance in that field. The guidelines will be further examined by the Commission at its third session, and included in the provisional agenda for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders. As requested by the Council, the Branch has disseminated the guidelines to Member States and bodies within the United Nations system.

39. Because of the lack of resources, the capacity of the programme to implement the guidelines has so far been very limited. Requests for financial support for the implementation of a national crime prevention programme had to be declined although it was in line with the proposed guidelines examined in the same year by the Council.

G. Contributing to United Nations peace-keeping and peace-building operations

40. The Commission was informed at its second session that two staff members of the Branch were serving with the United Nations Transitory Authority in Cambodia (UNTAC) and the United Nations Protection Force (UNPROFOR) in the Former Yugoslavia. While one staff member took up his work with the Branch again after the end of the UNTAC exercise, the other staff member has continued his work with UNPROFOR. Such involvement facilitated the contribution of the Branch to several activities in support of peace-keeping operations.

41. Together with the Government of Austria and the Department of Peace-keeping Operations of the Secretariat, a workshop was organized at Graz, Austria, in February 1993, on the role of civilian police in United Nations peace-keeping operations. The workshop recommended the elaboration of a police handbook ("Blue Book") which synthesizes criminal justice, human rights and humanitarian law standards relevant to the work of United Nations peace-keeping police supervisors in their monitoring responsibilities. The handbook has been prepared by the Branch, which is also currently working on a police code of conduct and a disciplinary code for civilian police components of United Nations peace-keeping operations. An introductory training course prepared by the Branch on the basis of relevant United Nations crime prevention and criminal justice instruments was integrated in a broader training manual prepared by the Office of Human Resources Management of the Secretariat. However, the reproduction of the Blue Book and the future involvement of the Branch in training activities are subject to the availability of funds.

42. In view of the experience gained from its involvements in peace-keeping missions, the Branch was requested by the Department of Peace-keeping Operations, to advise on the re-establishment of the police and criminal justice system in Somalia. An advisory mission took place in August 1993, and submitted its recommendations in a report to the United Nations Operation in Somalia II and to the Department of Peace-keeping Operations.

43. The Branch also pursued its involvement in technical assistance activities in Cambodia. In view of the tremendous need for assistance in the crime prevention and criminal justice field, the Branch prepared a project proposal on advisory services and training in substantive and procedural penal legislation, as well as public service ethics. In order to better assess the relevant needs, as well as what had already been achieved, an evaluation mission took place in July 1993, to which the Governments of France and Italy generously contributed by funding the participation of a national expert from each country to the mission. A summarized presentation of the project is included in annex I to the present report. A more detailed project proposal is available from the Secretariat upon request.

44. Assisting in the promotion of the rule of law in countries which have been torn apart by conflict appears to be a duty for the international community. As stated by the Secretary-General in the report entitled "An agenda for peace", peace-building encompasses more than the reconstruction of the peace after the cessation of hostilities. The criminal justice system is among the institutions which suffer the most from the conflict situation, as it is under pressure to serve political ends. If it does not comply with such political pressures, it may be either ignored or destroyed. It clearly appears that establishing a coherent criminal justice system is a prerequisite for establishing the rule of law in the crucial work of restoring democracy. Strategies oriented towards the prevention of crimes of violence should also be promoted. The project in Cambodia, described in annex I, is an example of what could be done in

several countries of the world which have needed United Nations intervention to maintain or restore peace. Such activities could contribute to long-term peace and sustainable development.

III. ADVISORY SERVICES

45. The relevant General Assembly and Council resolutions stressed that advisory services were an essential element of technical assistance activities. Those services can be of particular help in law reform, drafting of new legislation, improving the administration of criminal justice and setting up crime prevention policies. The interregional and regional advisors have a certain amount of travel funds at their disposal, which can be used for answering urgent requests, as has happened for Albania, or preparing broader technical assistance projects.

46. The crime prevention and criminal justice programme includes: an Interregional Adviser for Crime Prevention and Criminal Justice, placed under the authority of the Under-Secretary-General for Development Support and Management Services working in the same premises as, and in close collaboration with, the Branch at Vienna; and a Regional Adviser for Asia and the Pacific, based at ESCAP. The post of Regional Adviser is funded through a generous contribution of the Government of Japan.

A. Activities carried out by the Interregional Adviser for Crime Prevention and Criminal Justice

47. At the time of the second session of the Commission the post of Interregional Adviser had been vacant for three months. In the period under review, the position was filled on a temporary basis for seven months, pending the selection process and appointment of a new Interregional Adviser. In the meantime, 12 formal requests for advisory services were received from Member States, while other States informally inquired about the possibility of obtaining such services.

48. The terms of reference of the missions varied considerably. The missions carried out in Jordan, Nicaragua and Swaziland had quite focused terms of reference, that is, the creation of a judicial police force or the development of non-custodial measures. The Interregional Adviser provided technical advice on the relevant topics and recommended possible funding channels.

49. The missions to Mongolia and Namibia covered a broad range of topics, including legal reform, the training of practitioners, systems analysis and the development of crime prevention strategies. They resulted in a number of recommendations, for example, the incorporation of a criminal justice practitioner component into current international assistance projects in Mongolia on civil service reform and the development of legislation. In Namibia, the Interregional Adviser drew the attention of the national authorities to measures related to urban crime prevention, prison overcrowding, as well as crime recording and crime analysis systems for the police.

50. The missions to the Latin American Institute for the Prevention of Crime and the Treatment of Offenders and the African Institute for the Prevention of Crime and the Treatment of Offenders aimed at assisting in the development of a regional capacity to provide technical assistance, while the lack of resources may jeopardize the activities of such entities. The ways to strengthen the cooperation between the Branch and the institutes was also discussed, in order to use, in the most effective way, existing human and financial resources. To that end, the Interregional Adviser also met the Regional Adviser for Asia and the Pacific at Bangkok. Contacts were also made with UNDP, both at Headquarters in New York and with field offices.

51. In addition, the Interregional Adviser was invited to attend five international conferences and seminars in China, Hungary, the Russian Federation and Zimbabwe, at which he presented papers on different topics. In addition to their scientific interest, the seminars also provide the opportunity for suggesting innovative crime prevention and criminal justice measures and promoting United Nations norms and standards, giving thus a technical assistance value to such events.

52. The Interregional Adviser has a key position in technical assistance activities within the Branch and the programme as a whole. The available travel funds enable the Interregional Adviser to provide policy advice and to suggest solutions to local problems. Taking into account the high demand on the part of Member States for the services provided by the Interregional Adviser, the General Assembly has approved a second position at that level within the Crime Prevention and Criminal Justice programme in the context of the 1994-1995 programme budget, by resolution 48/231 of 23 December 1993.

B. Activities carried out by the Regional Adviser for Asia and the Pacific

53. The Regional Adviser has worked in the field of juvenile justice and juvenile delinquency in the region, by setting up a Regional Information System for Youth Crime and Delinquency, carrying out field studies on rehabilitation centres at Bangkok, Beijing, Shangai, Tokyo and in Hong Kong, as well as organizing a joint seminar of ESCAP and the Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders on those themes. Those initiatives led to the publication of a monograph entitled "Rehabilitation of juvenile delinquents in the ESCAP region".

54. Another recent activity was a study, soon to be published, on the implementation of United Nations norms and standards for juvenile justice administration in the ESCAP region, undertaken jointly by the Regional Adviser and AIC. The Regional Adviser also participated in several conferences and training seminars, in close collaboration with the Japan International Cooperation Agency (JICA) and the Asia and Far East Institute. Several advisory missions are planned in countries of the region which have formulated requests.

55. The post of Regional Adviser, created as a result of an ESCAP resolution, is a valuable contribution to the work of the programme by the Government of Japan. As the Regional Adviser focuses on the needs of one region, he can facilitate the exchange of information among countries and develop useful contacts with national or regional funding and cooperation agencies. Accordingly, the Commission may wish to consider calling for the creation of Regional Adviser posts in other regions of the world.

IV. FUNDING TECHNICAL ASSISTANCE ACTIVITIES

56. The number of requests for advisory services and training activities reveals an increased awareness about the existence and new orientation of the crime prevention and criminal justice programme. Requests for training in specific areas such as the prevention of car theft or urban crime prevention strategies also demonstrate the expectations placed by many Member States on the programme, including the technical and professionals aspects. If one of the main goals of the programme is to upgrade the skills of criminal justice practitioners, it seems that the structure is in place to respond to the demand. However, it has been impossible to satisfy the demand so far, as available resources severely limit the ability of the Secretariat to respond.

A. Regular budget

57. Following the creation of a new subprogramme on operational activities, planning and overall coordination under programme 29 on crime prevention and criminal justice in the medium-term plan for the period 1992-1997, the General Assembly has taken a number of measures to strengthen the institutional capacity of the Secretariat to expand technical cooperation activities. During year 1993, three Professional posts (two at the P-4 and one at the P-3 level) were temporarily redeployed to the Branch for such activities in the context of the restructuring of the Secretariat in the economic and social fields. The redeployment has been made permanent in the context of the budget for the biennium 1994-1995 approved by the General Assembly in its resolution 48/231. Furthermore, the capacity of the Branch in the area of technical cooperation has been also strengthened in the context of the programme budget for the biennium 1994-1995 by providing a second post of Interregional Adviser and increasing resources for those activities by some US$ 1 million, under section 20, part I, on the regular programme of technical cooperation.

B. Extrabudgetary resources

58. The General Assembly, in its resolution 47/91 of 16 December 1992, and the Council, in its resolution 1993/34, invited Governments to lend their full support to the crime prevention and criminal justice programme, and to increase their financial contributions to the United Nations Crime Prevention and Criminal Justice Fund, which was created to receive extrabudgetary funding for operational activities. The Governments of France, Germany, Japan and Sweden also funded posts of associate experts assigned to the Branch. The Government of Italy has announced its readiness to fund three posts of associate experts within the Branch. The Governments of Italy, Republic of Korea and Tunisia contributed to the Fund during 1933. Other Governments contributed to projects implemented by the network of institutes. However, those contributions are extremely limited compared to the cost of even a modest technical assistance project.

59. In many developing countries, the needs are so numerous and urgent that it is very difficult to decide on priorities. Member States in their requests to funding agencies have focused on development of basic economic infrastructures, thus leaving aside, for example, social policies, internal security and the strengthening of the rule of law, because of the limited funds available. That is why crime prevention and criminal justice matters play a relatively minor role in the activities carried out by funding and development agencies, such as UNDP. An intersectoral approach is necessary to ensure that all development projects have the proper impact. Sustainable development can only be achieved if human, economic, social and environmental concerns are taken into account. Previous intergovernmental meetings of the Programme also stressed that crime was a result of unbalanced development, rather than a situation of underdevelopment. As a consequence, development strategies should include a crime prevention component. However, the assistance that countries can obtain from the programme is still extremely modest, in comparison with their needs. That underlines the importance of the Fund in making technical assistance possible, thus giving meaning to the "operationalization of the Programme".

C. Other forms of contribution

60. Some Member States contributed to the programme by funding the participation of national experts in needs evaluation missions, such as those to Cambodia and the Russian Federation. That was the case with the Governments of Canada, France and Italy, whose contributions have been extremely important for the success of the missions and the relevance of the recommendations made. The Government of Canada also contributed to the ECOWAS project by providing an implementation guide for the Model Treaty on Mutual Assistance in Criminal Matters, which is also applicable to the ECOWAS Convention

on Mutual Assistance in Criminal Matters. The Government of France pursued its contribution to activities in the Russian Federation by providing training.

61. As the above-mentioned activities indicate, the Branch can serve as a coordinator of bilateral assistance efforts. International teams of experts could be created, in response to requests from Member States, in order to guide and better focus various types of interventions, including from private foundations. The programme would serve as the secretariat and play a coordinating role, contributing to effective practical assistance, which is often too fragmented when dealt with only at the national level.

62. If the programme were to be limited to coordinating only bilateral assistance, the activities carried out would tend to exclude experts from the developing world from taking part in the projects, as donor countries often contribute by providing their national experts.

63. In view of the present situation, Member States were approached to contribute to the United Nations Crime Prevention and Criminal Justice Fund. The relevant letter also provided information on the various ways and means of providing other support to the programme, for example, through in-kind contributions. The full text of the note verbale and of the modalities of assistance to the United Nations crime prevention and criminal justice programme are included in annexes II and III to the present report.

V. CREATION OF AN APPROPRIATE MECHANISM FOR THE MOBILIZATION OF RESOURCES

64. The idea of a mechanism, such as a foundation, to mobilize extrabudgetary resources has been the object of considerable discussion. The Committee on Crime Prevention and Control, at its eleventh session, brought a resolution on the creation of a foundation for the purpose of promoting technical cooperation activities to the attention of the Council. The idea was supported by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in its resolution 1 on the prevention of urban crime and resolution 27 on the protection of the human rights of victims of crime and abuse of power.[1] More recently, the Ministerial Meeting on the Creation of an Effective Crime Prevention and Criminal Justice Programme, held in Paris in November 1991, pointed out the need to expand technical cooperation in the area of crime prevention by means of a mechanism such as a foundation.

65. The first session of the Commission stressed the need to foster the operational aspects of the programme. The Council, in its resolution 1992/22, adopted on the recommendation of the Commission, requested the Secretary-General to initiate the necessary consultations for the preparation of a report setting out options and recommendations for the creation of an appropriate mechanism, such as a foundation, to mobilize human, financial and other resources to further technical cooperation.

66. In order to advance the discussion of the matter, the Government of France submitted a document outlining the objectives of an international foundation on crime prevention and criminal justice, the potential of such an institution, its relation with other existing entities, as well as its possible modus operandi. In March 1993, a letter was addressed to all Member States for comments and proposals on the document. However, because of the short time between the receipt of the document by Member States and the second session of the Commission, the matter was not discussed during the session.

67. In pursuance of the recommendations of the Commission at its third session, particularly those contained in Council resolution 1993/34, Member States were approached a second time through a note verbale dated 7 September 1993, by which they were invited to provide comments and proposals on the document submitted by the Government of France. At the time of the preparation of the present report,

eight Member States had responded (Germany, Luxembourg, Panama, Qatar, Rwanda, Spain and Turkey), most of them expressing their support for the initiative. Most of the responses highlighted the need for more detailed information. A clear structure, as well as more precise information on modalities of organization and functioning of the foundation, were needed in order to further analyse the project and to adopt a definite position on it. Ways and means to link the foundation with existing United Nations structures could be examined during the third session of the Commission in order to avoid overlap or duplication, particularly with the United Nations Crime Prevention and Criminal Justice Fund.

68. Suggestions were also made for the elaboration of the methodology to be used in gathering funds, as well as the criteria for the granting of the financial support of the foundation. One Member State proposed that part of the money confiscated from organized criminal activities could be transferred to the foundation, when such activities were clearly transnational. The money would be used for technical assistance activities, to be sponsored by the foundation.

69. One Member State also proposed the establishment of a working group to discuss the details of such a mechanism, on the basis of the options put forward in the document submitted by the Government of France.

Note

[1]Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August-7 September 1990, chap.I, sect. C (United Nations publication, Sales No. E.91.IV.2).

Annex I

SUMMARY OF FOUR SELECTED TECHNICAL ASSISTANCE PROJECTS IN CRIME PREVENTION AND CRIMINAL JUSTICE

A. Technical assistance project for the Economic Community of West African States

1. Topic. Training activities to assist ECOWAS member States in the implementation of a Convention on Mutual Assistance in Criminal Matters.

2. Beneficiary. ECOWAS is a regional organization created in 1975 and composed of 16 West African States (Benin, Burkina Faso, Cape Verde, Côte d'Ivoire, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Mauritania, Niger, Nigeria, Senegal, Sierra Leone and Togo). ECOWAS member States have a total of more than 185 million inhabitants. Twelve of the 16 member States are classified as least developed countries by the United Nations.

3. Implementing organization. Crime Prevention and Criminal Justice Branch, in collaboration with the Executive Secretariat of ECOWAS and the African Institute for the Prevention of Crime and the Treatment of Offenders.

4. Project summary. In July 1992, the ECOWAS Heads of State adopted a Convention on Mutual Assistance in Criminal Matters. The Convention, based on the United Nations Model Treaty on Mutual Assistance in Criminal Matters, was prepared by the ECOWAS secretariat and the Branch in close cooperation.

5. The project includes the organization of two seminars to familiarize judges, prosecutors and police officers from all ECOWAS member States with the rules and procedures on mutual assistance in criminal matters, and training them in the practical application of the new Convention. The project also includes the publication of a training guide, together with the text of the Convention, to enable the participants to train others in their own jurisdictions regarding the use of the Convention.

6. Development objectives. The project is expected to contribute to the following:

(a) Improvement in the investigation and prosecution of criminal acts of a transnational character and increased cooperation of the judicial authorities of ECOWAS member States;

(b) Expeditious and fair conduct of police investigations and judicial inquiries in West Africa;

(c) Significant reduction in the scope of criminal activities and their rate of increase in the subregion, contributing to increased security for all citizens, economic actors and potential investors;

(d) Greater integration of the subregion, by enlarging the scope of ECOWAS competence and facilitating an effective application of the ECOWAS Protocol on Free Movement of Persons, Right of Residence and Establishment.

7. Estimated project cost. US$ 175,000 for: the organization of two semi-nars, including the travel costs of officials from eight ECOWAS member States; the publication and distribution of an implementation guide; and the distribution of the text of the Convention.

B. Technical assistance project for African Portuguese-speaking countries

8. Topic. Organization of a seminar, a preparatory meeting and a follow-up publication for African Portuguese-speaking countries on juvenile justice, juvenile delinquency, treatment of offenders and crime prevention policies, in the context of development.

9. Beneficiaries. The project will bring together officials from Angola, Cape Verde, Guinea Bissau, Mozambique and Sao Tome and Principe. The participation of Brazilian officials would also be desirable, in view of the common language, the serious problems Brazil faces in the field of juvenile delinquency, and the recent law reform concerning juveniles.

10. Implementing organization. The Branch, in collaboration with the African Institute and with the assistance of the Government of Portugal.

11. Development objectives. The training activities are expected to contribute to the social development of the country, especially in areas relating to juveniles and their problems, and to alleviate the negative consequences of crime on the economic development process, for example:

(a) Risk or damage to persons and property;

(b) Disintegration of social ties, resulting from the increase in delinquency and the consequent rise in the number of victims;

(c) Likely inhibition of economic development resulting from juvenile delinquency, as most young offenders would be in a position to contribute to the economic development of the country if they did not become involved in delinquency, or if the criminal justice system provided opportunities for rehabilitation.

12. Project description. The project is expected to increase awareness of criminal justice practitioners, including lawyers and social workers, concerning the above-mentioned topics; and to permit officials to further transmit knowledge and information acquired during the seminar to other professionals (training of trainers).

13. The seminar will emphasize the specific treatment to be given to minor offenders at different stages of the criminal justice procedure, from the time of arrest to the serving of the sentence. It will also contribute to general crime prevention objectives, which remain at the centre of penal and judicial reforms. To that end, treatment and rehabilitation of offenders would be considered in terms of their potential to prevent recidivism. Relevant United Nations standards and norms (for example, the United Nations Standard Minimum Rules for Non-Custodial Measures (The Tokyo Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines), the proposed guidelines for the prevention of urban crime) would constitute a basis for discussion and training. The preparatory meeting will assess the situation in each country concerned and elaborate a specific format and methodology, so as to better address the topics to be considered during the seminar. The follow-up publication will include contributions from member States, training materials, United Nations instruments and recommendations.

14. The situation differs between African Portuguese-speaking countries. Some have had more experience than others in certain areas, such as penal reform. One purpose of the seminar will be to collate experiences of developing countries from the same region, using the same language, and informing one another of the positive results achieved and the pitfalls to be avoided. Such a dialogue will ensure a

debate in line with African realities, and make possible the initiation of South-South cooperation in the social and judicial fields.

15. Estimated project cost. US$ 145,000 for a five-day seminar at Sao Tome, a three-day preparatory meeting at Lisbon, and a follow-up publication.

C. Assistance in the penal reform in the Russian Federation

16. Topic. Assistance in the introduction of new procedural and judicial legal provisions in the Russian Federation.

17. Project background. The judicial reform, which started to be implemented in the Russian Federation in 1992, aims at rendering the criminal justice system of the country more effective and efficient on the basis of democratic principles, including the independence of the judiciary, the protection of basic human rights in legal proceedings and the presumption of innocence.

18. In order to give effect to those principles, the Supreme Soviet adopted, on 18 July 1993, a bill which introduced adversarial proceedings, thereby replacing a system which resembled the inquisitorial system, but without the safeguards and procedural guarantees as it applied in a number of countries around the world. Another major element of the reform was the introduction of trial by jury. The new legislative provisions also established the competence of courts at the various levels and identified the crimes that could be tried by a jury at each level.

19. Beneficiary. The project is a pilot project. In view of the considerable innovations foreseen, as well as the sizable administrative and financial requirements, the implementation of the reform is to be carried out gradually over a period of time. The new system is to be initially introduced in the courts of six regions and three territories of the Russian Federation, covering a population of almost 30 million inhabitants and a total of 2,160 judges to be trained. Then the new system would be expanded to the courts of the entire country, after a strict evaluation of one year of its operation.

20. Project description. Four stages are planned for the implementation of the project, as follows:

(a) The first stage will include advisory services preparing for the legal and administrative changes, and intensive training for judges, prosecutors and attorneys;

(b) The second stage will be the main implementation stage, as it will involve ongoing advisory services and coordination, as well as data collection for which equipment will be needed;

(c) The third stage will consist of the evaluation of the new system in the nine selected areas, including a study of judicial practice and comparative analysis between regions;

(d) The last stage will include the identification of problems in the implementation of and refinements to the legislation, together with the expansion of the new system to the remainder of the country, for which advisory services for drafting of legislation may be needed.

21. Cost estimates. US$ 4,930,000 for advisory services, appointment of a resident coordinator, training courses and study visits on a large scale, publications including commentary of the law and evaluation results, as well as equipment, computerization and communications.

D. Provision of practical assistance to Cambodia in the re-establishment of its criminal justice system

22. Topic. Assistance to the Government of Cambodia in building a criminal justice system that guarantees the rule of law, including the protection of human rights and freedoms.

23. Implementing organization. The Branch. Cooperation will be sought with potential donor governments and agencies present in Cambodia.

24. Project objectives. The overall objective of the project will be to assist the Government of Cambodia in building a criminal justice system that will guarantee law and order with due consideration for the protection of human rights and freedoms. Advisory services will be required for assistance to the Government in drafting appropriate substantive and procedural penal legislation, designing regulatory and administrative mechanisms and measures, organizing prosecutorial and judicial services, implementing such legislation, and ensuring the proper functioning of the introduced measures and mechanisms. Advisory services will also be required to coordinate the assistance given and in evaluating the result of the efforts undertaken.

25. Until such time as the requisite normative basis (the body of new legislation) is in place, training activities will aim at providing potential trainers with theoretical and practical knowledge of fundamental principles of law in the context of democratic traditions, with particular reference to United Nations norms and standards. All training activities will aim at forming a core of trainers that will be in a position to achieve a multiplier effect and to build local capacities.

26. In a short-term perspective, the objectives will be to provide assistance in mobilizing the human internal resources available at present to help the Government build the new democratic institutions.

27. The medium-term objective will be to further develop the criminal justice system by putting in place the necessary mechanisms for raising the professionalism of its personnel.

28. Finally, the long-term objective will be to create conditions that will enable the system to become firmly established, to achieve a basic level of professionalism and sustainability required, and to fully discharge its functions as one of the foundation blocks of democracy.

29. Project summary. The project will build on the results achieved in the earlier missions. It will be divided into three phases.

30. The first phase will consist in the provision of the services of two consultants to the Ministry of Justice for a period of six months, whose functions will be to give advice on the preparation of substantive and procedural penal legislation, the design and implementation of regulatory and administrative mechanisms to promote public service ethics, as well as appropriate measures with respect to the organization of the prosecutorial and judicial services. During the same period, 10 experts will be assigned to give guidance and advice to the courts at the provincial level. The first phase will also include a training course for judges, prosecutors, lawyers and public officials. An organizational mission will be given the task of facilitating cooperation with the newly elected Government.

31. The second phase will consist in the evaluation of the training course and the follow-up given to it. It will also comprise expert assistance to the Government in building the legal infrastructure of the country. Assistance will also be provided in organizing legal education, through the development of appropriate curricula.

32. The final phase will consist of training courses for trainers, on the basis of the new legislation. It will also comprise an evaluation of the project as well as recommendations for follow-up action, as appropriate.

33. Cost estimates. Costs related to advisory services (including the 12 above-mentioned consultants and equipment) are estimated at US$ 772,700, costs for training activities at US$ 364,600, legal education costs at US$ 90,000, and support costs (including organizational and evaluation missions from the Branch to Cambodia) at US$ 213,800, adding up to a total of US$ 1,441,100.

Annex II

NOTE VERBALE ON THE UNITED NATIONS CRIME PREVENTION AND CRIMINAL JUSTICE FUND

7 December 1993

Excellency,

I have the honour to refer to General Assembly resolution 46/152, emphasizing, inter alia, the practical orientation of the United Nations crime prevention and criminal justice programme and the fact that the programme should provide States with practical assistance, as well as to General Assembly resolution 47/91, inviting Governments to lend their full support to the United Nations crime prevention and criminal justice programme and to increase their financial contributions to the United Nations Crime Prevention and Criminal Justice Fund.

Most recently, the Economic and Social Council, in its resolution 1993/34, expressed concern about the disparity between the need for technical assistance and the resources available for it, and recognized that the scope of international cooperation in all aspects of crime prevention and criminal justice should be extended and increased as a matter of utmost importance. Further, the resolution underlined that technical assistance programmes in crime prevention and criminal justice should be expanded and strengthened as a matter of urgency.

Accordingly, any kind of support your Government could extend to the United Nations crime prevention and criminal justice programme would be greatly appreciated, be it by financially contributing to the Fund or by other ways and means.

Your Excellency may wish to know that contributions in cash may be made to the Fund in order to strengthen the capacity of the United Nations to carry out technical cooperation projects at the country and regional levels, addressing policy-related questions and problems of national and international character and dimension in the field of crime prevention and delinquency and the administration of justice.

Contributions may also be earmarked by Governments for specific projects and activities relating to the United Nations programme of work in the field of crime prevention and criminal justice, including, if so desired, its network of interregional and regional training and research institutes around the world. The Fund, in the past, has been and is still used to finance the activities of the United Nations Interregional Crime and Justice Research Institute, as well as of the regional institutes, particularly those serving the developing regions.

For information and easy reference, a note on modalities to assist the United Nations crime prevention and criminal justice programme is enclosed herewith.*

In view of the mandate to inform the Commission on Crime Prevention and Criminal Justice at its third session, to be held at Vienna from 26 April to 6 May 1994, on progress made in the implementation of Council resolutions 1992/22 and 1993/31, both of which called for the strengthening of the programme, I would very much appreciate if a reply could be provided at the earliest convenience and not later than 1 February 1994.

Accept, Excellency, the assurances of my highest consideration.

Giorgio Giacomelli
Director-General
United Nations Office at Vienna

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*See annex III.

Annex III

MODALITIES OF ASSISTANCE TO THE UNITED NATIONS CRIME PREVENTION AND CRIMINAL JUSTICE PROGRAMME

1. The General Assembly has called upon Governments to support the activities of the United Nations crime prevention and criminal justice programme. Such assistance could be provided in various ways, including financial contributions to the Crime Prevention and Criminal Justice Fund, non-reimbursable loans, participation in the United Nations Associate Expert Programme, and the Internship Programme of the United Nations Office at Vienna.

A. Crime Prevention and Criminal Justice Fund

2. Under funds-in-trust arrangements, Governments can contribute a given amount of resources to the Crime Prevention and Criminal Justice Fund, which is included in the annual United Nations Pledging Conference for Development Activities, either as a general contribution or for specific programme activities.

3. Contributions to the Fund are subject to a non-refundable charge of 13 per cent of expenditures for support provided by the Secretariat to the programme activities, as well as an additional non-refundable charge of 1 per cent of net base salaries and fees of consultants as a reserve for medical, accident and related claims. Furthermore, a net operating reserve of 15 per cent of estimated annual planned expenditures is maintained to cover shortfalls and contingencies. Upon conclusion of planned activities, any unused contingency reserves may be refunded to donors, or under their instructions be used for any other activities financed from the Fund.

4. Under funds-in-trust, the United Nations Office at Vienna can establish posts and recruit staff to undertake programme activities. Staff could be recruited either:

(a) To undertake operational activities, in which case, staff will be administered under the 200 series of the United Nations Staff Rules. Recruitment can be effected in a rather short period;

(b) To undertake regular Secretariat activities, in which case, staff will be administered under the 100 series of the United Nations Staff Rules. Posts with a duration of more than a year would be considered as geographical distribution posts. Recruitment is based on circulation of the post advertisement (duration: 6-9 months).

5. Under funds-in-trust arrangements, consultants could be recruited.

6. Funds-in-trust could also be used to cover expenses for items such as:

(a) Preparation and hosting of training seminars, expert group meetings and other conferences;

(b) Preparation and production of training material and other publications;

(c) Advisory services and technical equipment for operational activities;

(d) Scholarships.

B. Participation in the United Nations Associate Expert Programme

7. Under the United Nations Associate Expert Programme, Governments, through the United Nations Department for Development Support and Management Services (DSMS) of the Secretariat, could fund posts at the United Nations Office at Vienna which are attached to technical assistance and operational projects. For that purpose, job descriptions will be established by the United Nations Office at Vienna and circulated among donor countries. Recruitment will be handled by DSMS on behalf of the United Nations Office at Vienna.

C. Non-reimbursable loans

8. A non-reimbursable loan of personnel from a Government or other sources is a loan of services of an individual without cost to the Organization for salary, allowances or other benefits. Under such arrangements, contrary to those under trust funds, the individual would not become a staff member of the United Nations, but would have the status of a consultant. This arrangement also calls for a contribution of 14 per cent of the estimated staff cost as overhead.

D. Participation in the Internship Programme of the United Nations Office at Vienna

9. The Internship Programme of the United Nations Office at Vienna is intended for holders of a first university degree who wish to study further or to work in a field relevant to the activities of the Crime Prevention and Criminal Justice Branch. The United Nations has no responsibility for the costs involved. Governments or other sources could sponsor interns for specific programme activities. Interns have no United Nations status.

E. United Nations International Crime and Justice Research Institute and regional affiliated institutes

10. Governments could sponsor similar activities carried out by UNICRI or one or more of the affiliated institutes which assist the Secretariat in implementing United Nations policies in crime prevention and criminal justice at the regional level, particularly those located in the developing regions (such as the African Institute for the Prevention of Crime and the Treatment of Offenders and the Latin American Institute for the Prevention of Crime and the Treatment of Offenders).